

**Remarks of Justice Carlos R. Moreno**  
**California Mental Health Advocates for Children and Youth**  
**2007 Conference: Celebrate Transformation—Keep It Movin’**  
**Monterey, California**  
**May 16, 2007**

Thank you. It is a great honor to be with so many who play such a vital role in supporting the mental health needs of children and families. I understand the challenges you face as service providers, advocates, and administrators in an overburdened public mental health system. And I appreciate the time you took to come here. I hope this meeting will offer you new inspiration, new energy, and new hope for supporting those in our state who need your help the most.

I have heard child welfare cases at the Supreme Court level, and I am familiar with the complexities of the lives of foster children and their parents. All of our dependency court judges are aware of the connection between mental health problems and placement of children in foster care. They see it daily.

But I also have another, more personal, reason to feel passionate about this work and about the mental health issues you are so intimately concerned with.

I am a foster parent of a child with special needs. My wife and I are relative caregivers for our 11-year-old niece, who was removed at age 5 from her mother’s home in New Jersey. My wife’s sister-in-law is mentally ill. Because of her illness and her family’s inability to provide care for the child, our niece suffered from severe neglect that included dehydration and malnutrition. When she came to us, she was diagnosed as autistic and developmentally delayed. She was completely lacking in life skills on things as simple as chewing food. At age 5, she was still using a bottle.

My wife and I have struggled for nearly seven years, dealing with the New Jersey child welfare system and local service providers here in California to address the overwhelming needs of this little girl. We participated in termination proceedings, bonding evaluations, home studies, administrative hearings, mediation proceedings, and more.

Even for someone like me—and I *am* pretty familiar with the legal system—it can be very difficult, if not downright intimidating, to maneuver the many arms of the system to get the support and services that are needed.

That’s why I *know* we have quite a job ahead of us if we want to change the daily experience of children and families in dependency court.

You certainly understand what I am talking about.

As concerned youth and parents, service providers, advocates, therapists, and agency administrators, *you* experience the connection between mental health and safe, strong families every day. When parents are mentally ill, as is my wife’s sister-in-law, they have trouble taking

good care of their children. Children's health—both mental and physical—is jeopardized. Children who are removed from their parents are often separated from their siblings, friends and schools—and this is in addition to the trauma and neglect that caused their placement in foster care in the first place. The Children's Law Center reports that nationally, more than 80 percent of children in foster care have developmental, emotional, or behavioral problems. According to a study by Shelter Partnership, foster children occupy 40 percent of the child mental health inpatient beds on any given day.

We all know that prevention and early intervention are the keys to successful outcomes, yet a recent California foster youth summit on mental health reported that fewer than half of foster children get the psychological help they so desperately need. All too often, we send youth out of the system at age 18—it's called "emancipation"—on their own, with little or no ongoing adult supervision. These young people face a life that frequently includes homelessness, mental illness, and unemployment. The study by Shelter Partnership noted that among a population of foster children diagnosed with severe mental disorders, 88 percent were diagnosed with the same or a more severe disorder three years later.

If we want to improve the lives of foster children in our state, we must clearly pay serious attention to their mental health needs and the needs of their parents. So I commend your efforts to improve the systems that provide mental health services to children and families. I join you in your goals to make a real difference for the most vulnerable among us.

We seek common goals.

Every decision about removal of children from their homes or reunification with their parents comes through our dependency court system. With nearly 80,000 children in foster care in the state, our attorneys carry caseloads averaging 270. In some of the larger counties, caseloads rise to 600 or more. For judges, caseloads can average 1,000. Even though we strive to do our best, our courts are not always able to give children and their families the support we know they need.

Yet while children are in foster care, our society has to recognize that they are *our* children. The state holds legal responsibility for their well-being. And just as we care about our own children's futures, we are responsible for ensuring that foster children have a future as full of promise as the future we want for our own children.

That's why California Chief Justice Ronald M. George appointed a high-level Blue Ribbon Commission on Children in Foster Care. To help the courts and our partners do a better job. To help us focus together on the role the courts play in shaping these young people's lives.

And that's why I'm here today—to tell you what we have done so far and why this commission is critical to the future of our court and child welfare systems—as well as to your work in mental health.

The Blue Ribbon Commission was launched in March 2006 and has only two years to meet its mandate. It is made up of 42 talented and experienced leaders from all parts of the various systems that work with children and families. We are judges and private lawyers, legislators and

county child welfare directors, advocates and community leaders, academics and youth in foster care, philanthropists and tribal leaders. Your own Dave Neilsen from the state Department of Mental Health is a commissioner. He makes sure we keep your interests in mind as we deliberate our recommendations. All the commissioners share an interest in collaboration, leadership, transparency, and accountability. We all want to do better by our children.

Our specific charge is to help the courts improve outcomes for foster children and their families. The timing is right. The courts are building on several years of interest and reform already taking place at the legislative and executive levels in California.

And we are making progress. The number of children in foster care is down some 20 percent over the last five or six years. A new child welfare outcomes and accountability system is in place, providing counties with quarterly data reports and helping them monitor progress. This data is now available to the public on a state website and has helped usher in a new spirit of openness and shared responsibility for children and families.

The courts are stepping forward to play a more collaborative role in addressing foster care problems, looking at how we measure court performance and establishing attorney caseload standards. The Judicial Council and Administrative Office of the Courts are partnering with 10 local courts that have volunteered to identify and implement attorney caseload standards and to improve representation for children and parents. Last year, the legislature and governor provided some long overdue funding to begin to address social worker caseloads across the state.

So we are making headway. But we know there is still a distance to go. The system can—and it *must*—work better. Our children pay too high a price when we do not serve them well. *We* pay too high a price. And those of you here pay too high a price when the children and families you serve cannot get the support and help they need.

Thus, our task is in front of us.

To help inform the commission's thinking—to help us develop and refine our recommendations—we deliberate in quarterly meetings, usually held in conjunction with other related events. Last year the commission participated in a foster youth summit, where we heard directly from dozens of youth about their experiences in care. In January of this year, we attended a statewide foster youth education summit with advocates, administrators, and stakeholders who identified policy recommendations to improve educational outcomes for foster youth.

On March 22, we held an open hearing at the Capitol and heard testimony from foster youth, parents, caregivers, and judges and attorneys. We listened as youth described their court experiences: they were intimidated, confused, and frightened. Sometimes they did not meet their own attorney until moments before their hearing. Hearings were often scheduled during the school day, and youth waited hours for a hearing that lasted only a few minutes. Sometimes children had to wait in stairwells, or even outdoors, because there were no waiting rooms.

Parents, too, spoke about their lack of access to attorneys and difficulty understanding the legal proceedings. For parents caught up in substance abuse, there was a disconnect between juvenile and criminal courts, with each handing down different, sometimes contradictory, orders. Foster parents and caregivers, those who often know the child best during placement, felt unwelcome in court, and were often turned away. Some did not even know they had a right to attend or speak at their foster child's hearing.

Court officials and attorneys also provided testimony at the Capitol hearing, reinforcing what we already know: the frustrations they experience due to overcrowded dockets and lack of time and information to make expedient and informed decisions.

We listened to the stories of these witnesses—and to their recommendations for change. They spoke of urgent problems. But we heard, too, what it means when the system works the way it should: When social workers are able to adequately prepare families for court. When attorneys can explain the process to frightened children and youth and to their parents and caregivers. When judges and attorneys have the time to listen to the dreams of a child and the concerns of a parent.

One young woman, for example, told us what it meant to her when her judge sat down with her in his chambers for a private discussion. She had been raped and was being pushed to go into an intensive therapy program with strong medication that she did not want. The judge understood and helped her find support without taking medication against her will. Just think what it would mean if every judge, every attorney, every social worker, had the time to truly focus on each child and each family.

We are taking all of this information into our commission meetings as we prepare specific proposals for reform. Listening to these voices of experience make us all the more determined to transform our dependency court system.

As we move forward over the next year, we will be focusing our deliberations on three main areas:

The first is court performance and accountability. We are examining caseload issues, training, and better ways to measure progress. We will hold ourselves accountable by establishing court indicators to measure safety, permanence, well-being, and fairness. We also aim to build in better procedures to involve families and children in these most important decisions about their lives. We want *all* youth to meet with their counsel before their hearings and to understand the procedures and process of their own situation.

Our Blue Ribbon Commission focuses on the courts. But we all know that the courts do not operate in isolation. We know we cannot improve child welfare outcomes if we do not examine how the courts interact with the rest of the system. This is why the commission's membership is so broadly based. This is why I was so happy to be invited to speak to you tonight.

Thus, the second critical area for the commission is to find better ways to collaborate with child welfare and other agencies and to do a better job of sharing information with each other.

As you know all too well, families—such as mine—with children in the foster care system are often involved with more than one agency at a time: mental health or special education, for example; substance abuse, domestic violence, or juvenile justice. Parents sometimes receive different or even contradictory directions from multiple caseworkers. And large bureaucracies often find it exceedingly challenging to communicate effectively with each other and with the courts. We all have our own jargon, our own data sets, our own rules and regulations.

The commission is prepared to help paint a different picture, one where all the agencies pull together, in the same direction, for these families.

Coordinating the efforts of large bureaucracies is an enormous task. Sharing information, making sure that child welfare caseloads are reasonable, making sure *your* caseloads are appropriate, and finding strategies to reduce the need for foster care placements in the first place, as well as the length of time spent out of the home—these are all urgent issues we must work on *together* if we are to do a better job for children and families.

The third area of focus for our work is funding. We are looking at how the foster care system is funded, where the money comes from, and how it is used. Currently, California spends some \$4.7 billion a year on child welfare and related court costs, half of that coming from the federal government, the other half from state and county funds.

A majority of these funds are locked in by federal policy into paying for foster care services—*after* a child is removed from the home. What if we were able to use that money more flexibly to fund services that families need when they need them? What if there were enough funds for preventive and early intervention to be routine? For families to get help *before* a crisis that leads to removal of a child?

Our commission is examining flexible funding and other resource issues such as: extending adoption assistance to all children, funding guardianship assistance, providing incentives for achieving permanency, and bonuses for reducing caseloads. A focus on flexible and adequate funding is a key part of our charge.

We have less than a year remaining to develop our recommendations. We know we have no time to lose. We also know that historically, blue ribbon commissions come and go, sometimes making a lasting impact, but more often disappearing into a morass of reports and proposals that end up forgotten by all but the historians, buried in an archive somewhere.

We are determined that *this* commission will build solid roots that lead to lasting change. We are standing on the shoulders of a strong movement for reform that ranges from the federal government to our state legislature and executive branch. The commission includes representatives from the highest levels of all three branches of state government, along with community leaders and advocates. These leaders know how to get things done. Together, we are united in our determination to improve the lives of our most vulnerable children and families.

The Blue Ribbon Commission for Children in Foster Care is charged with developing “politically viable” recommendations by spring of 2008. This means practical suggestions that can be implemented statewide. We are not interested in blue sky reforms. We understand the realities of state and federal budgets.

Our recommendations will focus on statewide, as well as county-based, changes. After we announce our proposals next spring, the torch of implementation will be shared with others, including local leaders. Part of the commission’s charge is to launch a permanent collaborative framework in each of the state’s 58 counties to support ongoing efforts. In this way, our deliberations have the potential to influence the system for years to come and provide an enduring structure to promote collaboration between courts and their partners at the local level, where it is especially important.

But we will need your help. You understand how the system works as well as any other group of citizens, advocates, and professionals. The principles of this organization—accountability, partnerships, fairness and equity, individual care—parallel the principles of the commission. Our dependency courts must rely on a strong and robust mental health system with a range of community-based providers and services to reach families and children.

Since we are clearly in this struggle together, I urge you to join the courts and child welfare agencies in an escalating movement for reform. When the commission releases our recommendations next spring, I call on you to help us discuss and circulate them among your peers in your home counties.

And, finally, I ask you to help us build the political will to sustain the important reforms we are highlighting here tonight. It will take all of our energy, skill, creativity, and commitment to accomplish our goals. Only if we combine forces will we be successful in truly transforming the systems in which we work. Only then, will we make sure our families and children get the support—and the mental health treatment—we know they need. That...is the bottom line.

Thank you very much. It is an honor to be with you here tonight, and I wish you two days of excellent learning and dialogue during this conference.

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